



PATENT
ATTORNEY DOCKET
NO. 72978

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Li et al.
Application No.: 10/075,105
Filed: February 13, 2002
Title: Bi-Directional Dual Promoter Complex with Enhanced Promoter Activity for Transgene Expression in Eukaryotes
Group Art Unit: 1645
Examiner: Not Assigned

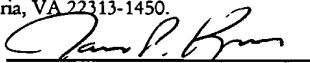
Confirmation No. 6947

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3/1/04

Date


James P. Krueger
Registration No. 35,234
Attorney for Applicant(s)

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant respectfully petitions the Commissioner under 37 C.F.R. §1.181(a) to withdraw the Notice of Abandonment dated February 9, 2004 issued in the above-identified application.

Applicants received a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences dated February 10, 2003. In response to the Notice, Applicant timely filed a Response and a Petition for a one-month extension of time on May 12, 2003. A copy of all materials as filed on May 12, 2003 is attached.

Applicant respectfully submits that a response to the office action was timely filed and that the Notice of Abandonment should be withdrawn. Applicant further submits that no petition fee is due, as the Notice of Abandonment was issued in error.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,
Fitch, Even, Tabin & Flannery


James P. Krueger
Registration No. 35,234

Date: March 1, 2004

FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle St., Suite 1600
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(312) 577-7000
336292



PATENT

Attorney Docket No. 72978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LI et al.)
Appln No.: 10/075,105)
Filed: February 13, 2002)
For: A BI-DIRECTIONAL DUAL)
PROMOTER COMPLEX WITH)
ENHANCED PROMOTER)
ACTIVITY FOR TRANSGENE)
EXPRESSION IN EUKARYOTES)
Group Art)
Unit: 1645)
Examiner: Not Yet Known)

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence. P.O. Box 2327, Arlington, VA 22202, on this date.

05/12/03


James P. Krueger
Registration No. 35,234

Attorney for Applicant(s)

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, VA 22202

DOCKETED

MAY 16 2003

BY: 

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated February 10, 2003, enclosed are:

- A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.
- A Statement Concerning Sequence Listing
- Computer readable Sequence Listing
- Petition for Extension of Time
- The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

May 12, 2003

Date

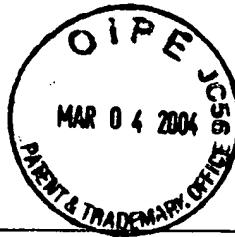


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UNITED STATES
PATENT AND
TRADEMARK OFFICE



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,105	02/13/2002	Zhijian T. Li	72978

22242
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

CONFIRMATION NO. 6947

FORMALITIES LETTER



OC000000009498917

MAR 09 2004

Date Mailed: 02/10/2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

BB

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT APPLICATION
ATTORNEY DOCKET
NO. 72978

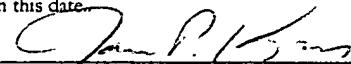
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LI, et al.)
Appln. No.: 10/075,105)
Filed: February 13, 2002)
Title: A BI-DIRECTIONAL DUAL PROMOTER)
COMPLEX WITH ENHANCED)
PROMOTER ACTIVITY FOR)
TRANSGENE EXPRESSION IN)
EUKARYOTES)
Group)
Art Unit: 1645)
Examiner: Not Yet Known)

CERTIFICATE OF MAILING

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05/12/03


James P. Krueger
Registration No. 35,234
Attorney for Applicant(s)

MAR 09 2004

U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, VA 22202

STATEMENT CONCERNING SEQUENCE LISTING

I, JAMES P. KRUEGER, declare that I personally prepared the paper and computer-readable copies of the Sequence Listing set forth in the above-identified case. The listed and computer-readable nucleotide and amino acid sequences are the same as set forth in the Specification of the above-referenced case.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By 

James P. Krueger
Registration No. 35,234

Dated: May 12, 2003

FITCH, EVEN, TABIN & FLANNERY
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PATENT

Attorney Docket No. 72978

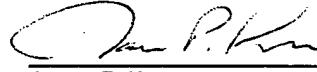
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05/12/03
Date


James P. Krueger
Registration No. 35,234

Attorney for Applicant(s)

PETITION FOR EXTENSION OF TIME

MAR 09 2004

Applicant(s) hereby petition(s) under 37 CFR §1.136(a) for an extension of time for reply in the above-identified application for the period required to make the accompanying reply timely, or, if there be no accompanying reply, for the period for which the fee is indicated or the period necessary to prevent abandonment of the above-identified application if longer than the period for which the fee is indicated.

Extension fee for reply within first month:

By a small entity (§1.9(f)) \$ 55.00
 By other than a small entity \$ 110.00

Extension fee for reply within second month:

By a small entity (§1.9(f)) \$ 205.00
 By other than a small entity \$ 410.00

Extension fee for reply within third month:

By a small entity (§1.9(f)) \$ 465.00
 By other than a small entity \$ 930.00

Extension fee for reply within fourth month:

By a small entity (§1.9(f)) \$ 725.00
 By other than a small entity \$ 1,450.00

Extension fee for reply within fifth month:

By a small entity (§1.9(f)) \$ 985.00
 By other than a small entity \$ 1,970.00

A check in the amount of \$ _____ to cover the extension fee is enclosed.

- Charge \$110.00 to Deposit Account No. 06-1135.
- The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

May 12, 2003

Date



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Registration No. 35,234

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